

*filed  
in open  
court  
1/13/05*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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GARY ADDIVINOLA  
Plaintiff,

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\*CIVIL ACTION NO. 03-CV-12476REK

\*

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vs.

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\*

THE HOME DEPOT USA, INC.  
Defendant.

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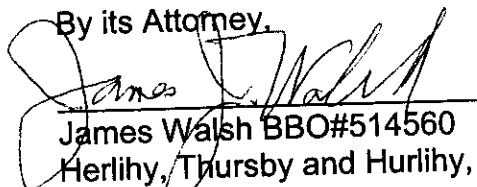
JOINT STATUS CONFERENCE MEMORANDUM

The parties to this action, plaintiff Gary Addivinola ("Plaintiff") and defendant Home Depot U.S.A., Inc. (Defendant), have had further discussions relative to the resolution of the instant matter. The defense has taken the deposition of Plaintiff. The Plaintiff has submitted to the defendant an updated medical status report of Dr. Brian Awbrey, a medical doctor selected by the Plaintiff. The defendant has had the Plaintiff examined by a physician of their choosing, Dr. James Wepsic. Both doctors appear to be in substantial agreement as to the plaintiff's condition with the major point of disagreement appearing to be the percentage permanent disability pursuant to the AMA guidelines the plaintiff has suffered in the accident.


Wherein the reports have just recently become available counsel believe that they will be able to negotiate an amicable resolution to the matter. If negotiation efforts prove unavailing they have agreed to mediate the matter.

Respectfully submitted,

Defendant,  
By its Attorney,

  
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Plaintiff,  
By his Attorney,

  
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Dated: January 13, 2005